

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1512 of 2005

Between:

B. Linganna, S/o. Chinna Ravanna,
R/o. N. Rangapuram Village, Peapully Mandal, Kurnool District.

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool District.
- 2 The Revenue Divisional Officer, Kurnool District.
- 3 The Mandal Revenue Officer, Peapully Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order of the 1st Respondent in dismissing the appeal vide proceedings Rc.No.CS3/444/2004 dt. 27-12-2004 confirming the proceedings of the 2nd Respondent in proceedings Rc.B.1354/2004 dt. 17-10-2004 without looking into the evidence produced by the petitioner as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently set aside the same, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR. K.V. RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORAL ORDER:

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The authorization of the petitioner as a Fair Price Shop Dealer, was suspended by the 2nd respondent through his letter dated 17.10.2004. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent. The appeal was dismissed on 27.12.2004. The 1st respondent directed the 2nd respondent to conclude the proceedings, within a period of 30 days from the date of receipt of the order. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The 2nd respondent suspended the authorization on certain allegations. The suspension was ordered, pending enquiry. The truth or otherwise of the allegations against the petitioner can be decided, only after a show cause notice is issued and the explanation offered by the petitioner is considered. The 1st respondent was not impressed by the grounds urged by the petitioner, in the appeal. At this stage, this

court does not find any basis to entertain the same. The 1st respondent had already directed the 2nd respondent to conclude the proceedings within 30 days from the date of the order. Even that period had elapsed.

Learned counsel for the petitioner submits that even as of now, no show cause notice is issued. Any delay in finalization of the proceedings is likely to turn the suspension, pending enquiry, into a substantive penalty, and the same would be improper.

Therefore, the writ petition is disposed of directing that the 2nd respondent shall issue show cause notice, receive the explanation from the petitioner, and conclude the proceedings, within four weeks from the date of receipt of a copy of this order. In case the proceedings are not concluded as indicated above, the order of suspension dated 17.10.2004 shall cease to be operative, and the petitioner shall be entitled to function as a dealer. There shall be no order as to costs.

3.2.2005

Note: CC in three days.

Bo CVM

To,

- 1 The Joint Collector, Kurnool District.
- 2 The Revenue Divisional Officer, Kurnool District.
- 3 The Mandal Revenue Officer, Peapully Mandal, Kurnool District.
4. 2 CCs to G.P. for Civil Supplies, High Court buildings, Hyderabad (OUT).
5. 2 CD copies.